

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Beverly Ann Gilchrist,	)	Case No. 8:20-cv-01221-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
John F. Byrd, Jr., and Jennifer P.	)	
Sumner,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on Defendants’ Motions to Dismiss. ECF Nos. 11, 14. Plaintiff filed a Response in Opposition, and Defendants filed Replies. ECF Nos. 23, 25, 26. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation (“Report”). On June 26, 2020, the Magistrate Judge issued a Report construing Defendants’ Motions as Motions for Summary Judgment and recommending that they be granted. ECF No. 28. Plaintiff filed objections to the Report. ECF No. 30.

**APPLICABLE LAW AND ANALYSIS**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

Liberally construed, Plaintiff fails to provide any additional specific objections. Instead, she appears to argue the merits of her underlying case. However, out of an abundance of caution for a pro se Plaintiff, the Court has conducted a de novo review of the record, the applicable law, and the Report of the Magistrate Judge. Having done so, the Court agrees with the recommendation of the Magistrate Judge that the Motions be granted.

### **CONCLUSION**

Accordingly, the Court adopts the Reports of the Magistrate Judge and overrules Plaintiff's objections. Defendants' Motions to Dismiss [11, 14], treated as Motions for Summary Judgment, are **GRANTED**.

IT IS SO ORDERED.

**s/ Donald C. Coggins, Jr.**  
United States District Judge

July 30, 2020  
Spartanburg, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.